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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,783	03/12/2004	Tohru Mamata	008312-0308754	5615
909 7590 06/23/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER				
KARIML PEGEMAN				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
06/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,783

Applicant(s)

MAMATA, TOHRU

Examiner

PEGEMAN KARIMI

Art Unit

2629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on 03/31/2008 has been entered and considered by the examiner.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18-27 rejected under 35 U.S.C. 102(e) as being anticipated by Luther Weindorf (U.S. Pub. No. 2002/0118182).

As to claims 18 and 23, Weindorf teaches an information processing device (100) comprising:

a display unit (104) having changeable display brightness ([0038], lines 1-3);

a detector (114, logarithmic sensor) configured to detect a lightness of surroundings ([0029], lines 1-3);

a determining unit (340, day/night comparator) configured to determine a target display brightness (day or night) of the display unit responsive to the surrounding lightness detected by the detector ([0068], lines 20-25);

a selector (344) configured to select one of a first mode and a second mode (day and night mode), ([0070], lines 1-8); and

a changing unit (brightness control system) configured to change the display brightness of the display unit ([0038], lines 1-3) based on the target display brightness determined by the determining unit (e.g. the day mode is selected), ([0038], lines 9-11),

wherein the changing unit changes the display brightness of the display in a stepwise fashion (step number, see Table 1), [0038], lines 1-7) if the first mode is selected (day mode) and changes the display brightness of the display instantly if the second mode is selected (the desired brightness step may be in one step or other desired increments [instantly], for both display modes).

As to claims 19 and 24, Weindorf teaches an input unit configured to input a selection one of the first mode and the second mode upon a user operation ([0069], lines 1-5).

As to claims 20 and 25, Weindorf teaches the selector selects ([0070], lines 1-8) the first mode (day mode) when the difference between the target display brightness and a current display brightness (the system checks the ambient light conditions at a predetermined time period, when there is a difference between the target display brightness and a current display brightness the system determines the mode) is larger than a predetermined brightness ([0068], lines 17-20) and selects the second mode (night mode) when the difference between the target display brightness and the current display brightness is not larger than the predetermined brightness ([0068], lines 6-9).

As to claims 21 and 26, Weindorf teaches the changing unit (brightness control system) sets the display brightness of the display unit ([0038], lines 1-7) to a first brightness level (e.g. 117.31 nits, Step 10) when a first lightness level is detected (when the detected light is at $2.68E-08$) by the detector (114) and to a second brightness level (e.g. 145.69 nits, Step 15) when a second lightness level is detected (when the detected light is at $5.58E-08$) by the detector, and

the display brightness is changed from the first brightness level (brightness of step 10) to a third brightness level (e.g. brightness at step 12, 127.93 nits) which is between the first brightness level and the second brightness level (the third brightness level is located between step 10 and 15) and then from the third brightness level to the second brightness level (e.g. brightness of step 12) when the display brightness is changed from the first brightness level to the second brightness level (when the brightness is changed from step 10, the first brightness, to step 15, the second brightness, it will step through step 12, the third brightness), ([0070], lines 15-16).

As to claims 22 and 27, Weindorf teaches the display brightness is changed from the first brightness level (e.g. first brightness level is at step 10) to the third brightness level (e.g. third brightness level is at step 12) and then from the third brightness level to the second brightness level after a lapse of a predetermined time period (delay period), ([0072], lines 13-16).

Response to Arguments

3. Applicant's arguments filed on 03/31/2008 have been fully considered but they are not persuasive.

Applicant argues that Weindorf does not teach or suggest "a changing unit configured to change the display brightness of the display unit based ... and changes the display brightness of the display instantly if the second mode is selected".

Weindorf teaches that in order to arrive at the desired brightness the steps can be taken in one step or other increments.

It is understood that the two different day and night modes have the benefit of one step or other increment for arriving at a desired brightness. The current application has the limitation of one step increment for the first mode and instant increment for the second mode. The reference prior art of Weindorf has both the one step and other increments to arrive at the desired brightness for both day and night brightness mode, which reads on the claim limitations and teaches more than the claimed limitations.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PEGEMAN KARIMI whose telephone number is (571)270-1712 and direct fax number is (571) 270-2712. The examiner can normally be reached on Monday-Thursday 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pegeman Karimi/
Examiner, Art Unit 2629
June 13, 2008

/Chanh Nguyen/
Supervisory Patent Examiner, Art
Unit 2629